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NATIONAL DESK**A NATION CHALLENGED: THE RELIGIOUS OPINION; Muslim Scholars Back Fight Against Terrorists**

By LAURIE GOODSTEIN (NYT) 835 words

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A panel of prominent Muslim scholars in the Middle East has issued a fatwa, or religious opinion, denouncing the terrorist attacks on the United States and saying it is the "duty" of Muslims to participate in the mission to apprehend the terrorists.

The primary purpose of the fatwa, released at a news conference yesterday in Washington, is to reassure Muslim soldiers in the American armed forces that they are permitted to fight other Muslims and Muslim countries to combat terrorism.

The fatwa was issued in response to a request by Capt. Abdul-Rasheed Muhammad, a Muslim chaplain in the United States Army, who sought guidance for Muslim military personnel uneasy about being deployed in the operation against Afghanistan.

But several Muslim experts said the fatwa could have a broad impact beyond the United States by providing religious justification for Muslim nations to cooperate with the American military effort. Many Muslim countries have minimized the American presence within their borders or over their skies.

Fatwas are not binding, but this one is likely to have strong credibility throughout the Islamic world because among its five authors is a prominent scholar based in Qatar whose word is revered by many Muslims, both moderates and militants.

That scholar, Sheik Yusuf al-Qaradawi, is regarded as an independent voice, unlike the many Islamic muftis and theologians who have been appointed by some Muslim governments. Far from pro-Western, Sheik Qaradawi has been a spiritual adviser to Muslim Brotherhood militants in Egypt, has harshly criticized the United States for supporting Israel and has condoned Palestinian suicide bombers.

"This fatwa is very significant. Yusuf Qaradawi is probably the most well-known legal authority in the whole Muslim world today," said Imam Feisal Abdul Rauf, founder of the American Sufi Muslim Association, and an authority in Islamic jurisprudence. "The armed forces of other countries now have behind them a legal standing in the eyes of a noted legal authority to be part of the coalition against terrorism."

The fatwa, written in Arabic and translated into four pages of English, says: "We find it necessary to apprehend the true perpetrators of these crimes, as well as those who aid and abet them through incitement, financing or other support. They must be brought to justice in an impartial court of law and punish them appropriately, so that it could act as deterrent to them and to others like them who easily slay the lives of innocents, destroy properties and terrorize people. Hence, it's a duty on Muslims to participate in this effort with all possible means."

The fatwa condemns the terrorist attack, saying that "all Muslims ought to be united against all those who terrorize innocents," because the death of noncombatants is a clear violation of Islamic law.

The fatwa notes that American military action may also result in the death of innocent people, but that a Muslim soldier must "perform his duty in this fight despite the feeling of uneasiness of 'fighting without discriminating.'" "As a soldier, "he has no choice but to follow orders, otherwise his allegiance and loyalty to his country could be in doubt."

The fatwa was issued on Sept. 27 but not released until yesterday because it was being shown to other Muslim jurists in this country and overseas, said Dr. Taha Jabir Alalwani, chairman of the Fiqh Council of North America, a group of Muslim scholars.

The fatwa is surprising because it appears to contradict other recent statements from Mr. Qaradawi.

In an interview on Sept. 16, on Al Jazeera television, the Arabic-language network based in Qatar, Mr. Qaradawi said, "A Muslim is forbidden from entering into an alliance with a non-Muslim against another Muslim." He called on Muslims to "fight the American military if we can, and if we cannot, we should fight the U.S. economically and politically."

It is not clear why Mr. Qaradawi has appeared to change his position.

The other authors of the fatwa include Haytham al-Khayyat, a scholar in Syria, and three Egyptian scholars who have also criticized American policy in Muslim countries: Tariq al-Bishri, a retired jurist, Muhammad S. al-Awa, a professor of law, and Fahmi Houaydi, a newspaper columnist.

It is too early to tell how the fatwa will be greeted in either the Muslim world, or among Muslims in the United States. Fatwas can be disseminated through speeches in mosques, Web sites and media coverage.

Not everyone welcomed this fatwa. Qaseem A. Uqdah, executive director of the American Muslim Armed Forces and Veterans Affairs Council, said he was outraged that such a fatwa was even sought.

Mr. Uqdah said the fatwa was a political statement of no help to enlisted Muslims, and should never have been sought because the scholars could have come to a completely different conclusion.

"Now you have opened a door for people to question, is this right or wrong," he said. "You'll have controversy looming about us just when we don't need that."